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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/743,592

12/22/2003

Mandana Noorae Parker

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07/26/2007

ALCATEL LUCENT
INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

LIU, BEN H

ART UNIT

PAPER NUMBER

2609

MAIL DATE

DELIVERY MODE

07/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/743,592

Applicant(s)

PARKER ET AL.

Examiner

Ben H. Liu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) — | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) — | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>16 August, 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1-7 are objected to because of the following informalities: use of acronyms should be accompanied by the full word definition. Appropriate correction is required.

For claim 1, the acronym "UPSR" in line 3 should be accompanied by the full word definition. Similar problems exist for the acronym "PDI-P" in lines 3, 10, 19, and 25.

For claim 5, the acronym "PDI-D" in lines 8, 11, and 14 should be accompanied by the full word definition. Similar problems exist in claim 6 lines 2-6.

For claims 2-4 are objected since they depend on claim 1. Claim 7 is objected because it depends on claim 5.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters et al. (U.S. Patent Publication 2002/0176131) in view of Isonuma et al. (U.S. Patent Publication 2001/0046207).

For claims 1, 5, 6, and 7, Walters et al. disclose a wideband cross-connect system comprising a working wideband switch fabric coupled to at least one SONET add/drop multiplexer (see paragraphs 70 and 71), the working switch fabric receiving a working signal from a first interface on at least one SONET add/drop multiplexer, the working switch fabric switching the working signal so as to generate a working switched signal and working switched payload, and providing the working switched signal to a second port on at least one SONET add/drop multiplexer (see paragraph 7). Similarly, the system as taught by Walters et al. teaches a protect wideband switch fabric coupled to at least one SONET add/drop multiplexer (see paragraphs 70 and 71), protect switch fabric receiving a protect signal from a third interface on at least one SONET add/drop multiplexer, the protect switch fabric switching the protect signal and

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so as to generate a protect switched signal and protect switched payload, and providing the protect switched signal to a fourth port on at least one SONET add/drop multiplexer (see paragraph 7).

For claim 2, Walters et al. disclose a wideband cross-connect system as described above comprising a single SONET add/drop multiplexer (see paragraph 70).

For claim 3, Walters et al. disclose a wideband cross-connect system as described above comprising a plurality of SONET add/drop multiplexers (see paragraph 7).

For claim 4, Walters et al. disclose a wideband cross-connect system as described above where a first and third ports are on different SONET add/drop multiplexers (see paragraph 7).

For claims 5, 6, and 7, Walters et al. disclose all the subject matter of the claimed invention with the exception where at least one SONET add/drop multiplexer is outfitted so as to support SONET UPSR protection with PDI-P codes. The SONET add/drop multiplexer selects between the working switched payload and protect switched payload to send to a client based upon the working and protect PDI-P codes generated by the switching fabric. Isonuma et al. from the same or similar fields of endeavor teach a transmitting apparatus for cross connecting and transmitting signals in a SONET ring network (see paragraph 1) utilizing PDI-P codes (see paragraph 163). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the transmitting apparatus as taught by Isonuma et al. with the wideband cross-connect system as taught by Walters et al. The transmitting apparatus as taught by Isonuma et al. can be implemented by using the Add/Drop Multiplexer (see figure 1) in the wideband cross-connect system as taught by Walters et al. The motivation for using the

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transmitter apparatus as taught by Isonuma et al. with the wideband cross-connect system as taught by Walters is to allow channel failure detection and rescue.

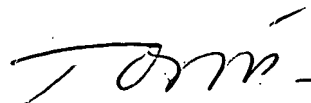
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ben H. Liu whose telephone number is (571) 270-3118. The examiner can normally be reached on Monday Through Friday 7:30AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on (571) 272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BL



**DANG T. TON
SUPERVISORY PATENT EXAMINER**